

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF PUERTO RICO

UNITED STATES OF AMERICA  
(Farm Service Agency)

Plaintiff  
v.

JOSE RAMON GONZALEZ VELEZ,  
GLORIA AMERICA SANTIAGO ALICEA  
and their conjugal partnership;  
JOHN DOE AND RICHARD ROE

Defendants

CIVIL NO.

FORECLOSURE OF MORTGAGE

**COMPLAINT**

TO THE HONORABLE COURT:

COMES NOW the United States of America, through its undersigned attorneys, and complaining of defendants, alleges and prays as follows:

1. Jurisdiction of this action is conferred on this Court by 28 U.S.C. Section 1345.

2. Plaintiff, United States of America, through the Farm Service Agency, an agency of the United States of America organized and existing under the provisions of the Consolidated Farm and Farm Service Agency Act, 7 U.S.C. §1921 et seq., is the owner and holder of the **Promissory Note for \$75,000** with a annual interest of 5%, constituted on September 17<sup>th</sup>, 1998, executed by JOSE RAMON GONZALEZ VELEZ, GLORIA AMERICA SANTIAGO ALICEA and their conjugal partnership. A verified translation into the English language of the Promissory Note and a verified copy of the

original in the Spanish language are attached hereto as **Exhibit 1** and are made part of this complaint.

3. For the purpose of securing the payment of said Mortgage Note, a mortgage in the amount of \$75,000.00 with interest at the legal rate of 5% per annum was constituted in favor of the plaintiff, under the terms and conditions stipulated and agreed therein, through Deed of Mortgage 202 dated September 17<sup>th</sup>, 1998 before Notary Public Félix A. Colón Miró. A verified copy of the original deed with a certified translation into English are attached hereto as **Exhibit 2** and are made part of this complaint. This mortgage is duly recorded at the corresponding Property Registry.

4. According to the Registry of the Property the defendants herein JOSE RAMON GONZALEZ VELEZ, GLORIA AMERICA SANTIAGO ALICEA and their conjugal partnership appear as owners of record of the real estate properties subject of this case. Said properties are described as follows:

**DESCRIPTION (As it is recorded in the Spanish language:**

**RUSTICA:** Predio de terreno sito en el barrio Garzas de Adjuntas, Puerto Rico, con cabida de cinco cuerdas, equivalentes a una hectárea, noventa y seis áreas, cincuenta y dos centiáreas. Lindando al **ESTE** y **SUR**, con la Sucesión de Dionisio Martínez; y al **NORTE** y **OESTE**, con la PRRA. Contiene una casa.

Property 7,509, recorded at page 140 of volume 203 of Adjuntas, Property Registry of Utuado, Puerto Rico.

See Title Search attached as **Exhibit 3**.

Plaintiff's mortgage for the amount \$75,000.00 constituted by deed #202 is recorded at page 142 of volume 203 of Adjuntas, property number 7,509, 5<sup>th</sup> inscription at the Registry of the Property of Utuado, Puerto Rico. See Title Search attached as Exhibit 3.

5. It was expressly stipulated in the notes evidencing the indebtedness that default in the payment of any part of the covenant or agreement therein contained will authorize the Farm Service Agency, and/or the United States as payee of said notes, to declare due and payable the total amount of the indebtedness evidenced by said notes, and proceed with the execution and/or foreclosure of the mortgages.

6. The defendants herein have failed to comply with terms of the mortgage contracts by failing to pay the installments due on all notes until the present day, and that after declaring all the indebtedness of defendant due and payable, defendant owes to the United States according to the certified statement of account included as **Exhibit 4** and made part of the complaint, the following amounts:

a) On the **\$75,000.00 Note**:

1) \$75,000.00 of aggregate principal;

2) \$57,735.08 interest accrued as of February 3,

2017 and thereafter until its full and total payment, which interest amount increases at the daily rate of \$10.2740;

3) Plus insurance premium, taxes, advances, late charges, costs, court costs expenses, disbursements and attorney's fees guaranteed under the mortgage obligation.

7. The defendants herein owe the United States the aforementioned amounts, and have refused to pay said indebtedness in spite of plaintiff's demands and collection efforts.

8. The indebtedness evidenced by the aforementioned note is due and payable and is also secured by mortgages over the property described in this complaint.

9. The real estate property which is hereby being foreclosed is subject to the following liens in the rank hereby indicated:

- a) Recorded liens with preference or priority over mortgages herein recorded: NONE.
- b) Junior Liens with inferior rank or priority over mortgages herein executed: NONE.

#### **VERIFICATION**

I, Jean Pierre Giuliani Giorgi aka Jean Pier Giuliani Giorgi, of legal age, married, executive and resident of Jayuya, Puerto Rico, in my capacity as State Executive Director, of the


Farm Service Agency, San Juan, Puerto Rico, under the penalty of perjury, as permitted by Section 1746 of Title 28, United States Code, declare and certify:

- 1) That my name and personal circumstances are stated above;
- 2) That I subscribed this complaint as the legal and authorized representative of the plaintiff;
- 3) That the plaintiff has legitimate cause of action against the above named defendants which warrants the granting of relief requested in said complaint;
- 4) That the defendants are a necessary and legitimate party to this action in view of the fact that they originated or assumed the mortgage obligation subject of this foreclosure, or bought the property subject to said mortgage;
- 5) That from the information available to me and based upon the documents in the Farm Service Agency, it appears that the defendants are not presently in the military service of the United States, nor have they been declared incompetent by a court of justice with authority to make such a declaration;
- 6) That I have carefully read the allegations contained in this complaint and they are true and correct to the best of my knowledge and to the documents contained in the files of the Farm Service Agency;
- 7) That I have carefully examined the photocopies of the mortgage note, assumption agreement, mortgage deed, deed of sale, title search, and the statement of account which are included as

Exhibits 1 through 4 of this complaint and that the same are true and correct copies of the originals, and that the mortgage deeds have been duly recorded in the Registry of the Property.

I make the foregoing declaration under penalty of perjury, as permitted under Section 1746 of Title 28, United States Code.

In San Juan, Puerto Rico, this 7 day of February, 2017.

  
JEAN PIERRE GIULIANI GIORGI

PRAYER

WHEREFORE, the plaintiff demands judgment as follows:

- a) That defendant's party pays unto the United States the amounts claimed in paragraph 6 of this complaint;
- b) Or in default thereof that all legal right, title and interest which the defendants may have in the property described in this complaint and any building or improvement thereon be sold at public auction and that the monies due to the United States as alleged in the preceding paragraphs be paid out of the proceeds of said sale;
- c) That the defendants and all persons claiming or who may claim by, from or under them be absolutely barred and foreclosed from all rights and equity of redemption in and to said property;
- d) That if the proceeds of such sale be insufficient to

cover the amounts specified under paragraph (a) of this prayer, said defendant be adjudged to pay to the United States the total amount of money remaining unsatisfied to said paragraph (a) of this prayer, and execution be issued forthwith against said defendants for the payment of said deficiencies against any of the properties of said defendants;

e) That if the proceeds of said sale exceed the sum of money to be paid to the United States as aforesaid, any such excess be deposited with the Clerk of this Court subject to further orders from the Court;

f) That once the property is auctioned and sold, the Clerk of this Court issue a writ addressed to the Registry of the Property ordering the cancellation of the foreclosed mortgage and of any other junior liens recorded therein;

g) For such further relief as in accordance with law and equity may be proper.

In Guaynabo, Puerto Rico, this 9 day of May 2017.

/s/ Juan Carlos Fortuño Fas  
JUAN CARLOS FORTUÑO FAS  
USDCPR 211913

FORTUÑO & FORTUÑO FAS, C.S.P.  
P.O. BOX 9300  
SAN JUAN, PR 00908  
TEL. 787-751-5290  
FAX. 787-751-6155  
Email: dcfilings@fortuno-law.com